IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1824 OF 2006

Mr.Shailesh R. Tiwari ...Petitioner
Vs.
Mr.R.K.Sawant & Anr. ...Respondents

Ms. Shaila R. Pandey for the Petitioner
Mrs. U.V.Kejriwal, A.P.P for the State

CORAM: SHRI J.N.PATEL &
SMT. ROSHAN DALVI, JJ.
DATED: 3RD OCTOBER, 2006

P.C.

1. Heard.

2. In this Petition the Petitioner has taken exception to the conduct of the respondent No.1 and 2 in humiliating him and addressing him in a derogatory manner by referring him as "Brahim/Bhayya/Bhayye" by recording so in CHEHREPATTI (record of particulars of the accused).

3. It is submitted that the Respondents are not entitled to take liberty with the person's name and addressing him in a derogatory manner and therefore the Court should direct them to delete the word "Bhayya" from coloum No.6 of the Charge-sheet in Crime No.141 of 2006 filed by the

Vithalwadi Police Station.

4. In the affidavit in reply filed by the Respondent though it has been specifically denied that the Officers indulged in such an act and humiliated the Petitioner and addressed him in a derogatory manner and intentionally added the work “Bhayye” after mentioning his caste Brahmin as he is native of U.P. It has been stated that the caste is recorded in column no.6 of the “CHEHRAPATTI” on the basis of information given by the Petitioner.

5. Leave aside the veracity of the explanation given by the Respondent Officer but the Court can take judicial notice of the fact that if a person is asked particulars of his caste a Brahmin would never add “Bhayya” because there is no such caste as Brahman Bhayya and the Petitioner's grievance is justified that he was offended by use of such words i.e. “Bhayya/Bhayye. The Police Officers have no right to add alias to the name of a person on his caste as per their whims and own choice as it is likely to offend a person.

6. The learned A.P.P states that the prosecution has moved an application before the Court to delete the word “Bhayya” from coloumn no.6 of “CHEHRAPATTI” charge-sheet filed in Crime No.141 of 2006 by Vithalwadi Police Station. This conduct on the part of the Respondent purges the wrongful

act alleged against them. We therefore, dispose of this Petition with caution to the Respondents that in future they should not take liberty with the citizens whether he is an accused or not to add alias to his name or the Surname or address him in a manner so as to humiliate him which is not befitting a police officer who is guardian of law and he is expected to respect the citizens being a public servant.

7. In view of the aforesaid caution the Petitioner's stand is vindicated and therefore he does not press for the reliefs sought in the Petition. Petition stands disposed of.

(SMT.ROSHAN DALVI, J.) (SHRI. J.N. PATEL, J.)